

Before the State of South Carolina
Department of Insurance

In the matter of:)	
)	File Number 2000-100811
Sheila M. Cali,)	
)	Default Order Revoking
221 Sweetwood Circle)	Resident Insurance Agent's License
Columbia, South Carolina 29212.)	
_____)	

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served, as required within S.C. Code Ann. § 38-3-170 (Supp. 1999), by the State of South Carolina Department of Insurance upon Sheila M. Cali by both certified mail, return receipt requested, and by regular mail.

That letter informed Cali of her right to request a public hearing upon the allegations of impropriety contained within the letter against her. Further, she was warned that her failure to make a timely, written request would result in my summary revocation of her license to do business as a resident insurance agent within the State of South Carolina. Cali has failed to provide the Department with a current address in violation of S.C. Code Ann. § 38-43-107 (1989), and the United States Postal Service returned as undeliverable the letter sent by the Department. On March 6, 2000, therefore, counsel for the Department filed an Affidavit of Default, and submitted the entire matter directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact, that while licensed to do business as a resident insurance agent within the State of South Carolina for Horace Mann Insurance Company, Cali failed to turn over or satisfactorily account for \$1,778.15 in insurance premiums collected from citizens of this State.

S.C. Code Ann. § 38-43-130 (Supp. 1999) provides: "The Director or his designee may revoke or suspend an agent's license after ten day's notice...when it appears that an agent...has willfully deceived or dealt unjustly with the citizens of this State." This Code section goes on in Subsection (3) to describe "deceived or dealt unjustly with the citizens of this state" specifically to include, "failing to transmit promptly or pay all or a portion of the amount of an insurance premium when the agent...has received payment from a customer or insured."

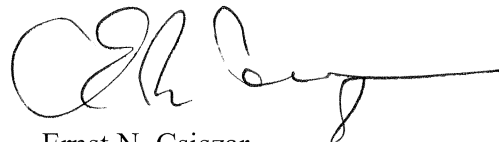
In accordance with my findings of fact, and considering Cali's failure to avail herself of her opportunity to be heard, I now conclude, as a matter of law, that Cali willfully deceived and dealt unjustly with the citizens of South Carolina, thereby violating S.C. Code Ann. § 38-43-130 (3) (Supp. 1999).

This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-40-10, *et seq.* (1991 and Supp. 1999). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110 (4) (Supp. 1999), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore, ordered that the license of Sheila M. Cali to do business as a resident insurance agent within the State of South Carolina be, and is hereby, revoked, and that no license issued through the State of South Carolina Department of Insurance is to be issued to her.

It is further ordered that a copy of this order shall be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Sheila M. Cali is currently licensed, through the State of South Carolina Department of Insurance, as a resident insurance agent within the State of South Carolina.

This order becomes effective as of the date of my signature below.

A handwritten signature in black ink, appearing to read "Ernst N. Csiszar", with a long horizontal flourish extending to the right.

Ernst N. Csiszar
Director

March 8, 2000, at
Columbia, South Carolina

Before the State of South Carolina
Department of Insurance

In the matter of:)

Sheila M. Cali)

221 Sweetwood Circle)
Columbia, South Carolina 29212.)
_____)

File Number 2000-100811

Affidavit of Default

T. Douglas Concannon personally appeared before me, and, being duly sworn, stated that he, at all times relevant to this Affidavit of Default, was the attorney representing the State of South Carolina Department of Insurance in this administrative action. He further stated the following:

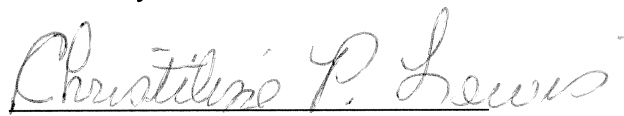
The Department served Sheila M. Cali notice at the address detailed above by a Letter of Allegation and Notice of Opportunity for a Public Hearing that the Department would request that her license to act as a resident insurance agent within the State of South Carolina be summarily revoked by the Director of Insurance for the State of South Carolina. That notice was served, pursuant to Section 38-3-170 of the South Carolina Code by "depositing it in the United States mail, postage prepaid, addressed to the last known address of the person and registered with the return receipt requested." Further, by that letter, The Department also served Cali notice of her opportunity, within ten days, to request a public hearing. That service was effected by certified mail, return receipt requested, and by regular mail.

The United States Post Office at Columbia, South Carolina, returned the letters to the Department, having marked them as "Moved Left No Address, Unable to Forward, Return to Sender." See Attachment One. Cali is required as a licensed insurance agent to notify the Department of any change of address within 30 days. *See* S.C. Code Ann. § 38-43-107 (1989). She therefore should be held in default.



T. Douglas Concannon
Associate General Counsel

Sworn to and subscribed before me
this 6th day of March 2000.



Christiline P. Lewis, Notary Public
My Commission Expires: 11/20/06